

Message Text

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15

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INFO OCT-01 EUR-12 IO-13 ISO-00 FEA-01 AGRE-00 CEA-01

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L-03 LAB-04 NSAE-00 NSC-05 PA-02 AID-05 CIEP-02 SS-15

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TO AMEMBASSY OTTAWA

INFO USMISSION GENEVA

USDEL MTN GENEVA

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UNCLAS STATE 286491

E.O. 11652: N/A

TAGS: ETRD, CA

SUBJECT: COUNTERVAILING DUTY DETERMINATION -- GLASS
BEADS FROM CANADA

REF: STATE 216011(NOTAL)

1. THE CUSTOMS SERVICE PUBLISHED IN THE NOVEMBER 22
FEDERAL REGISTER NOTICE THAT POTTERS INDUSTRIES, INC.,
NOTIFIED TREASURY ON SEPTEMBER 29 THAT IT WISHED TO
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CONTEST THE NEGATIVE PORTIONS OF THE AFFIRMATIVE

COUNTERVAILING DUTY DETERMINATION CONCERNING GLASS BEADS FROM CANADA. WHILE TREASURY HAD FOUND THAT A GRANT FROM THE FEDERAL DEPARTMENT OF REGIONAL ECONOMIC ASSISTANCE AND AN INTEREST-FREE LOAN FROM THE SASKATCHEWAN ECONOMIC DEVELOPMENT CORPORATION CONFERRED BOUNTIES OR GRANTS IT ALSO DETERMINED THAT "OTHER ALLEGATIONS, INCLUDING ALLEGATIONS OF BELOW-COST OR PREFERENTIAL FREIGHT RATES, OF THE PURCHASE OF THE FACILITY FROM THE CITY OF MOOSE JAW AT A FAVORABLE PRICE, AND OF THE ABILITY OF CANASPHERE TO SECURE LINES OF CREDIT NOT OTHERWISE AVAILABLE WITHOUT GOVERNMENT ASSISTANCE HAVE NOT BEEN SUSTAINED BY THAT QUANTUM OF PROOF NECESSARY TO ENABLE THE DEPARTMENT OF THE TREASURY TO CONCLUDE THAT 'BOUNTIES OR GRANTS' HAVE, AS TO THESE ALLEGATIONS, BEEN PAID OR BESTOWED."

2. TRADE ACT OF 1974 FOR FIRST TIME GAVE AMERICAN MANUFACTURERS RIGHT TO CONTEST NEGATIVE COUNTERVAILING DUTY DETERMINATIONS IN U.S. CUSTOMS COURT. AS PRELUDE TO COURT ACTION, AN AMERICAN PRODUCER OF THE SAME KIND OR CLASS OF MERCHANDISE MUST FILE NOTICE WITH TREASURY THAT IT WISHES TO CONTEST ITS COUNTERVAILING DUTY DETERMINATION. ONCE TREASURY HAS PUBLISHED NOTICE OF RECEIPT OF THIS NOTIFICATION, THE PETITIONER HAS THIRTY DAYS FROM THE DAY AFTER PUBLICATION IN THE FEDERAL REGISTER TO COMMENCE ACTION IN CUSTOMS COURT.

3. FYI. THIS WILL BE THE NINTH COUNTERVAILING DUTY DETERMINATION BEING CONTESTED AT PRESENT IN CUSTOMS COURT. ONE OTHER CASE CONCERNS CANADA, I.E., THE AFFIRMATIVE DETERMINATION IN THE MICHELIN TIRE CASE, WHICH IS BEING CONTESTED BY THE EXPORTER. (EXPORTERS HAVE HAD RIGHT TO CONTEST AFFIRMATIVE COUNTERVAILING DUTY DETERMINATIONS.) AT ISSUE IN THE ZENITH CASE AND THE U.S. STEEL CASE IS WHETHER TREASURY SHOULD HAVE CONSIDERED REBATE OF THE JAPANESE COMMODITY TAX ON CONSUMER ELECTRONIC PRODUCTS AND THE VALUE-ADDED TAX ON EC STEEL RESPECTIVELY TO BE BOUNTIES OR GRANTS. NEGATIVE DETERMINATIONS CONCERNING REGIONAL DEVELOPMENT PROGRAMS IN THE U.K., BELGIUM AND WEST GERMANY, AS THEY RELATE TO THE PRODUCTION OF FLOAT GLASS ARE ALSO BEING UNCLASSIFIED

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CONTESTED. FINALLY, THERE ARE CASES INVOLVING A NEGATIVE DETERMINATION ON FERROCHROME FROM SOUTH AFRICA AND TREASURY'S REJECTION OF A PETITION FROM HAMMOND LEAD CONCERNING LITHARGE AND RED LEAD FROM MEXICO. END FYI. KISSINGER

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